HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3698 of 2007

Dated:01.03.2007

Between:

B.Vijaya Kumar.

…Petitioner

and

Commissioner of Endowments and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3698 of 2007

ORDER:

The petitioner was lessee of a shop, bearing No.6-1-37/1, in Tandur. When there was a threat of dispossession, he filed a suit, being O.S.No.76 of 1999 on the file of the Court of the Junior Civil Judge, Tandur, Ranga Reddy District, for injunction and the same was decreed *ex parte* on 13.06.2001. In the meanwhile, lease expired on 30.09.2004. The petitioner alleges that on 10.02.2007, respondents 2 and 3 came to the leased premises and tried to take possession by coercion and also took steps for demolition of the shop. Apprehending further damage, he filed the instant Writ Petition, *inter alia*, seeking a direction to the respondents not to demolish the shop or not to evict the petitioners.

Heard the learned Counsel for the petitioner and the learned Standing Counsel for the third respondent-Temple.

As rightly pointed out by the learned Standing Counsel for the third respondent, when the petitioner had already obtained a decree for perpetual injunction on 13.06.2001 in O.S.No.76 of 1999, nothing prevents him to take out execution and enforce the injunction. Having obtained such a decree for injunction, the petitioner cannot avail this remedy. This Court, however, observes that if for any reason, the petitioner has to be evicted, the respondents have to necessarily approach the Deputy Commissioner under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

01.03.2007
GJ